

REMARKS/ARGUMENTS

1.) Claim Amendments

The Applicant respectfully submits no new matter has been added. Accordingly, claims 1-21 are pending in the application. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

2.) Allowable Subject Matter

The Applicant gratefully acknowledges the allowance of claims 11 and 12.

3.) Claim Rejections – 35 U.S.C. § 103(a)

On Page 2 of the Office Action, the Examiner rejected claims 1-4, 8-10, 13-14, 16-18 and 21 under 35 U.S.C. § 103(a) as being unpatentable over the admitted prior art of the instant application in paragraph [0002-0004], hereinafter referred to as the APA, in view of Gupta et al. (US 6,731,627). The Applicant respectfully traverses the Examiner's rejections and submits the following remarks for the Examiner's favorable reconsideration.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. **Finally, the prior art reference (or references when combined) must teach or suggest all of the claim limitations (MPEP 2143).** In that regard, the Applicant respectfully submits that the Examiner's two references (APA and McManus) still fail to teach or suggest each and every element of the presently pending independent claims.

The present invention discloses and claims a method of testing a communications link between a first end node and a second end node communicating mutually via an intermediate node. The first end node is connected to the intermediate

node via a first transmission medium and the second end node is connect to the intermediate node via a second different transmission medium. In addition, a first loop-back test is executed between the intermediate node and the first end node and a second end loop-back test is performed between the intermediate node and the second end node.

The Examiner stated that the APA discloses a CPE and BBRAS on either side of the DSLAM. Furthermore, the Examiner stated that the APA does not teach a second transmission medium from the DSLAM to the second end node. The Applicant agrees with these statements. However, the Examiner further stated that it would be obvious to combine the APA with Gupta to obtain the invention as recited in independent claims 1, 13, and 18. The Applicant respectfully disagrees with this characterization. A review of Gupta does not show the step of performing a second end loop-back test between the intermediate node and the second end node. Gupta does not teach or suggest performing any type of loop-back test between a first end node and the intermediate node or a second end node and the intermediate node. Gupta merely discloses a loop carrier system with a DSLAM. In addition, the APA merely discloses performing only one loop-back test between two nodes.

Therefore, the Applicant respectfully submits that the step of performing a second loop-back test between the intermediate node and the second end node according to a standard of the second transmission medium is simply not taught or suggest by either the APA or Gupta, in combination or separately, as recited in claim 1. Furthermore, the APA or Gupta, individually or in combination, do not disclose the use of different loopback tests been end nodes and the intermediate node. Independent claims 13 and 18 recite limitations analogous to claim 1 and also are not taught or suggested in the APA or Gupta. This being the case, the Applicant respectfully requests the withdrawal of the rejection of claims 1-4, 8-10, 13-14, 16-18, and 21.

4.) Allowable Subject Matter

On Page 5 of the Office Action, the Examiner stated that claims 5-7, 15 and 19-20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim

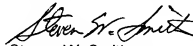
and any intervening claims. In light of the arguments above, the Applicant respectfully submits that the conditionally allowed claims depend from allowable independent claims 1, 13, and 18 and recite additional limitations. Therefore, the Applicant respectfully requests the allowance of claims 5-7, 15, and 19-20.

5.) Conclusion

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-21.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,


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